

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DENICE GREER and
MEMBERS OF
TEAMSTERS LOCAL 214,

Plaintiffs,

v.

CASE NO. 10-14623
HON. LAWRENCE P. ZATKOFF

DETROIT PUBLIC SCHOOLS,

Defendant.

**ORDER DENYING PLAINTIFFS' MOTION FOR ORDER
COMPELLING DEPOSITION**

This matter is before the Court on Plaintiffs' emergency motion for an order compelling a deposition of Robert Bobb [dkt 38]. Defendant has not yet responded, and the time do so has not yet elapsed. The Court, however, finds that because of the stated urgency of Plaintiffs' motion and the circumstances of this case, Defendant's response is not necessary to decide Plaintiffs' motion. The Court finds that the facts and legal arguments are adequately presented in Plaintiffs' papers such that the decision process would not be significantly aided by oral argument. Therefore, pursuant to E.D. Mich. L.R. 7.1 (f)(2), it is hereby ORDERED that the motion be resolved on the brief submitted. For the following reasons, Plaintiffs' motion to compel is DENIED.

Plaintiffs were employed by Defendant as security officers. As such, Plaintiffs were all members of Teamsters Local 214 (the "Union"). On July 29, 2010, Defendant notified Plaintiffs by letter that their employment was terminated as of July 30, 2010, due to outsourcing the school security staffing to a private security firm. On November 19, 2010, Plaintiffs filed an action before

this Court. Plaintiffs' complaint contains two counts—deprivation of property and deprivation of liberty—alleging constitutional violations of the Fourteenth Amendment. On January 18, 2011, this Court denied Plaintiffs' motion for preliminary injunction, finding that "Plaintiffs have not shown they have a strong likelihood of success on the merits that they were deprived of a property or liberty interest constitutionally protected by the Fourteenth Amendment."

On March 2, 2011, the Court issued a Scheduling Order, providing an October 17, 2011 discovery cut-off deadline. On March 28, 2011, Plaintiffs sought the depositions of Steven Wasko and Emergency Manager Robert Bobb on April 5, 2011 and April 28, 2011, respectively. On April 1, 2011, Defendant filed a motion for judgment on the pleadings and motion for stay, or in the alternative, for a protective order precluding Plaintiffs from deposing Robert Bobb, the emergency manager of Defendant. Defendant's motions are still pending before the Court. In response, on June 2, 2011, Plaintiffs filed a motion for leave to file an amended complaint. This motion has not been fully briefed by the parties. On June 14, 2011, Plaintiffs then served a second notice upon Defendant for the deposition of Robert Bobb, which is scheduled for June 23, 2011. On June 15, 2011, Defendant sent Plaintiffs' counsel a letter declaring that he would not produce Robert Bobb for the noticed deposition. Subsequently, Plaintiffs filed the instant motion requesting the entry of an order compelling Robert Bobb's deposition.

Based upon Plaintiffs' pleadings and a review of the record in this case, the Court finds it appropriate to stay the deposition of Robert Bobb's deposition pending the resolution of the parties' motion. Defendant's motion for judgment on the pleadings relates to Plaintiffs' original complaint, and Plaintiffs' motion for leave to file an amended complaint has not been fully briefed by the parties. Thus, judicial economy is best served by resolving Defendant's motions and Plaintiffs'

recently filed motion for leave to file an amended complaint before the Court addresses the issue of Robert Bobb's deposition. Accordingly, the Court STAYS any deposition of Robert Bobb until the parties' pending motions are resolved by the Court. IT IS FURTHER ORDERED that Plaintiffs' emergency motion for an order compelling a deposition of Robert Bobb [dkt 38] is DENIED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: June 20, 2011

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on June 20, 2011.

s/Marie E. Verlinde

Case Manager

(810) 984-3290